

To the Public.

BIRMINGHAM, November 27, 1795.

An Occurrence having lately transpired, which, by some interested Persons, has been very industriously circulated, to the Prejudice of Messrs. BENTLEY and BLAKEWAY, on their having had their Oil Measures destroyed; probably in hopes of injuring them in their Oil selling, on Account of their selling that Article cheaper than others—without considering it is their Interest so to do, in order to further the Sale of their Lamps.

The Matter in Fact, is as follows:—

MR. THOMAS GRUNDY, who at the last Court Leet was appointed Bailiff of the Market in this Town, did on Friday last, the 20th inst. enter my Patent Lamp Warehouse, saying he was the High Bailiff; and was come in his official Capacity to try the Oil Measures. — Oil is an Article that can only be adjusted by Weight, on account of its expanding by Heat and contracting by Cold; yet, as 7½lb. when in a fluid state is deemed a Gallon, it is, for the sake of cleanliness, retailed by Measure; and though not always right, is as often for, as against, both Buyer and Seller.—Messrs. BENTLEY and BLAKEWAY, who I have empowered to carry on my said *Patent Lamp Trade*, conscious of the justness of the Measures, and supposing him legally authorised, delivered them to him, for that purpose, not doubting his justice and skill in the business; the contrary however was proved by his taking the Oil Measures to the Pump, filling them with Water, and pouring the water from them into the Standard Measures: the result of which was—A Quart Measure, which had not been used since the Oil was in a fluid state, out of which it would drain nearly dry, was found full measure: but a Tin Pint Measure, lately purchased of Mr. BLUNT, *Brazier*, and a Copper Gallon Wine Measure, which had been lent them by Mr. PERKIN's, *Varnish-maker*, to measure him 90 Gallons of Spirits of Turpentine he had agreed for, (both of which Measures the said Gentlemen affirm to have been just) having lately been used in measuring of Oil, the Weather then being Frosty, and the Ground covered with Snow; the Oil was on that account congealed, and stuck to the Measures much more than it would had the Weather been Warm, and the Oil Fluid; and of course held not so much Water as if cleaned from Oil, as they ought to have been; yet they were deemed by this *considerate* Gentleman, not full Measure! and he instantly destroyed the Tin Pint and Copper Gallon.

It is somewhat lucky for the said Gentleman, that as Messrs. BENTLEY and BLAKEWAY consented to his proceedings, it has weakened the ground of Action against him for his Conduct: and also, that he had left before I came, otherwise, I should have served him as I have since told him, and referred him to his Duty in the Market: For as *Birmingham* is not a Borough, nor a Corporation, it has neither a High-Bailiff nor a Mayor, and though called a Town, in which a Market is held in right of the Lord of the Manor, unto whom alone the Profit accrues, and as the Inhabitants themselves must pay, if they pitch their Goods therein for Sale, it is in fact no more than a large free Village, and is governed by Village Laws; its *Constables* being its Head Officers or Chief Magistrates, and Stewards in all matters of public concern, who must sue and be sued in behalf of the Town; and the Expences that are incurred by them, in the Duties of their Office, AND NONE OTHER, must be paid by the Overseers out of the Money collected for the Use of the Poor. It is the Duty of the Constables (as required) to try the Weights and Measures of the Inhabitants, to destroy such as are found false, and take the Users before a Justice of the Peace, to be inflicted with the Penalty prescribed by Law for such nefarious practices—11 H. 7. c. 4. and 22 C. 2. c. 8. s. 6. But there is a material difference betwixt false and short Weights and Measures;—as the *false* are those used when known to be so, which constitutes the Crime; while *short* is the natural effect of wear by using, and ought to be adjusted when tried; which is the Business of a Clerk or Bailiff of a Market to do—22 and 23. C. 2. c. 12. s. 4. at the Price prescribed—22 C. 2. c. 8. s. 4. and which is the just duty of the Constable of a free Village to cause to be done, at the Expence of the Owners.

But a matter somewhat curious and absurd, has of late years crept into the police of the Town of *Birmingham*: which is—The Bailiff of the Court Leet—a Law Officer of very ancient date, who has the sole power of choosing the Jury at the Court Leet and Court Baron, is called, very improperly, the *Low-Bailiff*; and the Market Bailiff, whose Office does not make, nor require him to be a Parishioner, being only a servant in pay of the Lord of the Manor, to collect his Tolls and Pitching-pence in the Market, and try and adjust the Weights and Measures for the Market people, is called the *High-Bailiff*; which brings to my Memory an Answer I once received from one of the Gentlemen of the Leet Junto, whom I asked, what was the reason why the Jury of the Court Leet, always choose a Dissenter for the Bailiff of the Court, and a Churchman for the Bailiff of the Market? when he smilingly told me, it was because it pleased both Parties:—The office of Bailiff of the Court Leet, being vested with Power, though called *Low*, pleases the Dissenter: and the office of Bailiff of the Market, by being called *High*, pleases the Churchman: We therefore, said he, give it them as a Bauble to play with, and you see they are as fond of it as a Child of a Rattle. But as the Cause that existed in the Year 1745, whence these cant phrases originated, is now done away, there being no Pretender to the Crown of our Gracious, Just, and Rightful Sovereign on the Throne, it is high time such absurd and party Epithets should now subside: and I think the Jury of the Court Leet would do well, not to regard religious Opinions in their Appointments to Offices; but choose such a Person to the Office of Bailiff of the Market, as would think the Wages allowed him by the Lord of the Manor a Compensation for his Services; or, confirm the Person in that Office, whom the Lord of the Manor has thought proper to entrust to collect his Tolls and Pitching-pence.

J. MILES.

A fellow, of the parish of Burdett, in Essex, for whom a reward had been offered, for causing several accidents by going about in the night in a white sheet, was apprehended, yesterday morning, in Smithfield-market.

There was, yesterday, a failure of every sort of Foreign intelligence, not one mail having arrived. So the *quinds* would have it; and *islanders* are much their dependents for news!